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NEWS RELEASE

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FEDERAL COURT DISMISSES LAWSUIT FILED BY 1,500 SAN DIEGO POLICE OFFICERS OVER EMPLOYMENT BENEFITS

San Diego, CA--A Federal District Court Judge has dismissed a lawsuit filed by more than 1,500 individual San Diego police officers alleging various violations of their federal constitutional rights when in 2005 their employment benefits were reduced or eliminated by the City and its retirement system.

In the lawsuit, *Erica Aaron v. City Attorney Michael Aguirre, the City and Retirement System*, Case NO. 06-CV-1451, the officers also claimed constitutional violations arising from the unsuccessful labor negotiations in 2005, which resulted in impasse between the City and the officers' union, the San Diego Police Officers' Association (POA).

The ruling issued yesterday by Judge Marilyn Huff was based upon the Judge's earlier disposition of a separate lawsuit, *San Diego Police Officers' Association v. City Attorney Michael Aguirre, the City and Retirement System*, in which the POA alleged the same constitutional violations on behalf its members. The court concluded that the individual officers' identical claims should be dismissed on the same grounds as in the prior lawsuit because the individual officers' interests were adequately and fully represented by the POA.

In the POA lawsuit, which was decided in early 2007, Judge Huff granted summary judgment against the police officers' union concluding that there was insufficient proof that the employment benefits reduced or modified during the 2005 labor negotiations were vested constitutional rights. The court also ruled that existing underfunding of the pension system does not implicate any federal constitutional rights.

The POA's appeal of the court's 2007 rulings is currently pending before the United States Court of Appeals for the Ninth Circuit.

To view the court ruling visit www.sandiegocityattorney.org, click Significant Reports and Legal Documents.

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